



Docket No.: 202603US2DIV

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

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SEP 29 2003

TECHNOLOGY CENTER R3700

RE: Application Serial No.: 09/800,585

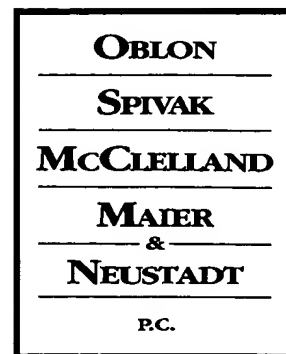
Applicants: Tetsuya SADA, et al.

Filing Date: March 8, 2001

For: COOLING DEVICE AND COOLING METHOD

Group Art Unit: 3743

Examiner: FORD, J.



ATTORNEYS AT LAW

GREGORY J. MAIER
(703) 413-3000
GMAIER@OBLON.COM

SIR:

Attached hereto for filing are the following papers:

REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT

ATTORNEY DECLARATION

COPY OF NOTICE OF ABANDONMENT DATED AUGUST 7, 2003

COPY OF DATE-STAMPED FILING RECEIPT DATED JANUARY 9, 2003

COPY OF PTO-COVER LETTER

COPY OF RESPONSE IN A NON-PROVISIONAL APPLICATION

COPY OF AMENDMENT COVER LETTER/COPY OF SUPPLEMENTAL AMENDMENT
W/MARKED-UP COPY

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Gregory J. Maier

Registration No. 25,599

Customer Number

22850

(703) 413-3000 (phone)

(703) 413-2220 (fax)

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202603US2DIV

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

TETSUYA SADA, et al.

SERIAL NO: 09/800,585

FILED: MARCH 8, 2001

TITLE: COOLING DEVICE AND COLLING METHOD

:

: EXAMINER: FORD, J.

: GROUP ART UNIT: 3743

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TECHNOLOGY CENTER R3700

REQUEST FOR WITHDRAWAL OF HOLDING OF ABANDONMENT

COMMISSIONER FOR PATENTS
Alexandria, VA. 22313-1450

Sir:

Responsive to the Notice of Abandonment dated August 7, 2003, Applicants herewith request withdrawal of said abandonment for the following reasons.

An Office Action was mailed by the Examiner on December 17, 2002, with a shortened statutory period of 1 month, to expire on January 17, 2003.

Attached hereto is a copy of the date-stamped filing receipt evidencing filing of a Response to the December 17, 2002 Office Action. Included in the filed response was a Response to a Non-Response in a Nonprovisional Application, Amendment Cover Letter, Supplemental Amendment with Marked-Up copy and PTO Cover Letter filed on January 9, 2003.

Also attached hereto is a copy of the Notice of Abandonment dated August 7, 2003. In order to expedite prosecution, submitted herewith is a resigned certified copy of the documents indicated filed December 17, 2002.

It is believed that the above discussion and documents resubmitted herewith clearly prove that the timely response to the Office Action was filed and therefore, the holding of abandonment was issued in error.

Accordingly, it is requested the holding of abandonment be withdrawn and that prosecution be allowed to continue in the present application.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Registration No. 28,870

Customer Number

22850

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EHK/dgh

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UNITED STATES PATENT AND TRADEMARK OFFICE

SEP 26 2003

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,585	03/08/2001	Tetsuya Sada	202603US2DIV	7951

22850 7590 08/07/2003

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

FORD, JOHN K

ART UNIT

PAPER NUMBER

3743

DATE MAILED: 08/07/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED: 8803
OBLON, SPIVAK, McCLELLAND
MAIER & NEUSTADT, P.C.

DOCKETING DEPT

Initials/Date Docketed: W8803Type of Resp(s): Ref to W.D. AltonDue Date(s): 10-7-03

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TECHNOLOGY CENTER R3700

Notice of Abandonment



Application No.

09/800585

Applicant(s)

Sada et al.

Examiner

FORD

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

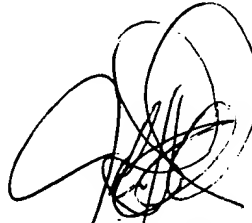
This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 12/17/02
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance.
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file new formal drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed new formal drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ The proposed new formal drawings filed on _____ are not acceptable and the period for reply has expired.
 - (c) ☐ No proposed new formal drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

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TECHNOLOGY CENTER R3700


John K. Ford
Primary Examiner



✓ OS MM&N File No. 202603US2DIV

Dept.: E/M

By: GJM/EHK/SKK:dnf

✓ Serial No. 09/800,585

✓ In the matter of the Application of: Tetsuya SADA, et al.

✓ For: COOLING DEVICE AND COOLING METHOD

✓ Due Date: January 17, 2003

The following has been received in the U.S. Patent Office on the date stamped hereon

- Dep. Acct. Order Form
- ✓ ■ PTO cover Letter
- ✓ ■ Amendment with marked-up copy
- ✓ ■ Amendment Cover Letter
- ✓ ■ Response to Non-Response in a Nonprovisional Application

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Docket No.: 202603US2DIV

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231



ATTORNEYS AT LAW

RE: Application Serial No.: 09/800,585
Applicants: Tetsuya SADA, et al.
Filing Date: March 8, 2001
For: COOLING DEVICE AND COOLING METHOD
Group Art Unit: 3743
Examiner: FORD, J.K.

SIR:

Attached hereto for filing are the following papers:

**RESPONSE TO NON-RESPONSE IN A NONPROVISIONAL APPLICATION
AMENDMENT COVER LETTER**

SUPPLEMENTAL AMENDMENT WITH MARKED-UP COPY

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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Gregory J. Maier
Registration No. 25,599

Eckhard H. Kuesters
Registration No. 28,870



DOCKET NO: 202603US2DIV

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

TETSUYA SADA, et al.

SERIAL NO: 09/800,585

FILED: MARCH 8, 2001

FOR: COOLING DEVICE AND
COOLING METHOD

:

: EXAMINER: FORD, J.

: GROUP: 3743

:

RESPONSE TO NON-RESPONSE IN A NONPROVISIONAL APPLICATION

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, D.C. 20231

SIR:

In response to the Office Action dated December 17, 2002, Applicants respectfully resubmit the Supplemental Amendment filed on October 1, 2002 and request reconsideration.

On October 1, 2002, Applicants inadvertently submitted an unsigned Supplemental Amendment with marked-up copy and an Amendment Cover Letter. Duly signed copies of the same are resubmitted herewith. Applicants appreciate Examiner Ford's courtesy afforded to Applicants in this regard. The error made was clerical and without any deceptive intent.

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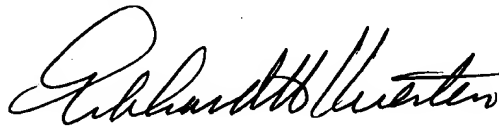
SEP 29 2003

TECHNOLOGY CENTER R3700

It is believed that no additional fee is required for this submission. However,
in the event that a fee is required, please charge the appropriate amount to our Deposit
Account No. 15-0030.

Respectfully submitted

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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Eckhard H. Kuesters
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